

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People v David Demond Bryant**
Docket No. **265908**
L.C. No. **05-005175-01**

Michael J. Talbot, Judge, acting under MCR 7.217 and MCR 7.219(I), orders:

The motion to reinstate is GRANTED and the appeal is REINSTATED. The appellant's brief that was received with the motion to reinstate on October 6, 2006, is accepted for filing. The time for filing appellee's brief under MCR 7.212(A)(2)(a)(ii) shall be counted from the date of the Clerk's certification of this order.

John F. Royal (P 27800), retained counsel for appellant, shall pay to the Clerk of this Court, within 21 days of the certification of this order, court costs in the sum of \$500 for the additional work caused by the dismissal and reinstatement of this appeal. The Court's records reflect that six of the seven appeals of right that counsel has filed with this Court in the past twenty-one months have been dismissed on the involuntary dismissal docket for counsel's failure to timely file the appellant's brief. The seventh appeal has not been dismissed, but this is apparently only because the extended due date for the appellant's brief as allowed by motion under the Court's current policy has not yet passed. Each of the six appeals have been dismissed on the involuntary dismissal docket for counsel's failure to file appellant's brief by the extended due date granted. Counsel has sought and been granted reinstatement of five of the dismissed appeals and counsel's motion to reinstate the sixth appeal is currently pending and awaiting submission for a decision. Counsel's established practice of waiting until after an appeal has been dismissed pursuant to MCR 7.217 to file the appellant's brief along with a motion to reinstate the appeal places an enormous burden on the Court. The costs are personal to the attorney and shall not be charged back to the client.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

OCT 23 2006
Date

Sandra Schultz Mengel
Chief Clerk